

On December 26, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 239 cases of canned salmon at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, on or about October 20, 1933, by McGovern & McGovern, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Blossom Time Brand Natural Red Color Fancy Cutlet Salmon Packed in its Natural Oil \* \* \* Distributed by McGovern & McGovern, Seattle, Wash."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Natural Red Color Fancy Cutlet Salmon", was false and misleading, and deceived and misled the purchaser, since it created the impression that the article was Fancy grade red salmon, whereas it was low-grade coho salmon.

On June 4, 1934, McGovern & McGovern, having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22705. Adulteration and misbranding of tomato puree. U. S. v. 488 Cases and 516 Cartons of Tomato Puree. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 31866, 31941. Sample nos. 37369-A, 54743-A, 54977-A, 60621-A, 60518-A.)

These cases involved two lots of tomato puree, one of which contained excessive mold, insect larvae, and segments of the bodies of insects, and the other of which contained insect larvae, flies, beetles, and other extraneous matter. The latter lot was invoiced as tomato paste, whereas it contained insufficient tomato solids to be classed as tomato paste.

On January 23 and February 6, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 488 cases and 516 cartons of tomato paste at Seattle, Wash., alleging that the article had been shipped on or about September 28 and October 11, 1933, by the Harbor City Food Corporation, of Harbor City, Calif., from Wilmington, Calif., and charging adulteration of one lot and adulteration and misbranding of the other lot in violation of the Food and Drugs Act. One lot was invoiced as "Tomato Paste."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding of one lot was alleged for the reason that it was offered for sale under the distinctive name of another article.

On June 14, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22706. Misbranding of candy. U. S. v. 48 Boxes of Candy, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 31884. Sample nos. 60527-A to 60531-A, incl.)

This case involved shipments of candy bars which were not labeled with a plain and conspicuous declaration of the quantity of the contents.

In three of the lots which were found to weigh 1.91 ounces, 3.08 ounces and 3.36 ounces, respectively, the weight declared was one-half ounce which was such a gross understatement as to be no statement at all; the weight of a fourth lot was materially understated, and the statement on a fifth lot, although approximately correct, was placed on a part of the wrapper where it would be invisible until the bar was unwrapped. In two of the lots labeled, "½ oz", the statement was also invisible until the bar was unwrapped.

On January 27, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 388 boxes of candy bars at Seattle, Wash., alleging that the articles had been shipped in interstate commerce, between the dates of April 10, 1933, and December 8, 1933, by Mars, Inc., from Galewood, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled, variously: "Double